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Attorneys for Defendant BAC Home Loans Servicing, LP

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AT MEDFORD

EDWARD & RENEE FISHER,

PLAINTIFF,

v.

BANK OF AMERICA HOME LOANS,

DEFENDANT.

Case No. 10-3079-PA

**DECLARATION OF P. ANDREW
McSTAY, JR. IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS, DISSOLVE PRELIMINARY
INJUNCTION, AND EXPUNGE LIS
PENDENS**

I, P. Andrew McStay, Jr., declare as follows:

1. I am one of the attorneys for defendant BAC Home Loans Servicing, LP ("BAC"). I make this declaration in support of Defendant's Motion to Dismiss, Dissolve Preliminary Injunction, and Expunge Lis Pendens. I have personal knowledge of the facts set forth herein.

2. I have reviewed plaintiffs' loan history, which shows that plaintiffs' last payment on the note at issue in this matter was made in November 2009. Since that time, they have not made any payments.

3. Plaintiffs sent their injunction pleadings and the court's show cause order to a general mailing address for BAC in Simi Valley, California, that is not designated for legal process and receives hundreds of pieces of mail each day. It was received on August 25, only five days before the show cause hearing.

4. Plaintiffs send their motion for a default judgment to a different address, a post office box for customer service inquiries to BAC in Simi Valley, California.

5. Attached as Exhibits A and B are true copies of the complaint and dismissal order in *Avetisyan v. BAC Home Loans Servicing, LP*, United States District Court, Central District of California Case No. CV 10-05655.

6. Attached as Exhibit C is a true copy of a deed of trust executed by plaintiffs in connection with a loan on October 27, 2008.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on the 1st day of October, 2010 in Portland, Oregon.

/s/ P. Andrew McStay, Jr.
P. Andrew McStay, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the **DECLARATION OF P. ANDREW McSTAY, JR. IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS, DISSOLVE PRELIMINARY INJUNCTION, AND EXPUNGE LIS PENDENS** on:

Edward and Renee Fisher
3636 Princeton Way
Medford, OR 97504
ed.renee.fisher@gmail.com

Plaintiffs Pro Se

☒ by mailing a copy today in a sealed, first-class postage prepaid envelope, addressed to plaintiffs' address listed above and deposited in the U.S. mail at Portland, Oregon;

☒ by emailing a copy today to plaintiffs' email address listed above.

DATED this 1st day of October, 2010.

DAVIS WRIGHT TREMAINE LLP

By /s/ P. Andrew McStay, Jr.
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